

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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| LENNY ROSS, | : | |
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| Petitioner, | : | Civ. No. 19-6595 (NLH) |
| | : | |
| v. | : | |
| | : | |
| PATRICK NOGAN, et al., | : | MEMORANDUM & ORDER |
| | : | |
| Respondents. | : | |

Appearances

Lenny Ross
873781
East Jersey State Prison
Lock Bag R
Rahway, NJ 07065

Petitioner pro se

John J. Santoliquido, Esq.
Office of the Prosecutor
4997 Unami Blvd.
P.O. Box 2002
Mays Landing, NJ 08330

Counsel for Respondents

HILLMAN, District Judge

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner argues in part that his right to direct appeal was violated when he was not permitted to raise on direct appeal that his motion to withdraw his guilty plea was improperly decided by the New Jersey Superior Court as well as the direct

claim itself that the motion to withdraw his guilty plea was improperly decided. Petitioner states in his habeas petition that he filed a motion to remove his direct appeal from the Excessive Sentence Oral Argument ("ESOA") calendar to the New Jersey Superior Court, Appellate Division's plenary panel. Neither this motion, nor any ruling from the Appellate Division on this motion is included in the record currently before this Court. Before ruling on Petitioner's habeas petition, and to complete the record before this Court, Respondents shall be ordered to provide this Court with Petitioner's motion he filed with the Appellate Division to remove his direct appeal from the Appellate Division's ESOA calendar to the plenary calendar, as well as any orders or opinions issued by the Appellate Division on this motion.

Accordingly, IT IS on this 4th day of April, 2022,

ORDERED that Respondents shall file Petitioner's motion to remove his direct appeal from the ESOA calendar to the Appellate Division's plenary calendar as referenced in his habeas petition as well as any ruling from the Appellate Division as it relates to this motion within fourteen (14) days of the date of this order; and it is further

ORDERED that the Clerk shall serve this memorandum and order by certified mail on Mr. Cary Shill, Esq., Office of the

Atlantic County Prosecutor, 4997 Unami Blvd., Suite 2, P.O. Box 2002, Mays Landing, NJ 08330; and it is further

ORDERED that the Clerk shall serve this memorandum and order on Petitioner by regular U.S. mail.

Dated: April 4, 2022
At Camden, New Jersey

/s Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.